



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2003-32**

December 9, 2003

Matthew & Maria Found  
79 S. Main Street  
Wolfeboro NH 03894

RE: DES Wetlands File #1999-00344 Melody Island (Varney Islands), Wolfeboro

Dear Mr. and Ms. Found

During the summer of 2003, DES personnel conducted inspections of lakefront projects approved in 1999. On August 11, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property, more specifically referenced on Town of Wolfeboro Tax Map 258 as Lot 9 (the "Property"). The purpose of the inspection was to determine whether work on the Property was in compliance with RSA 482-A, NH Wetlands Law, RSA 483-B, NH Comprehensive Shoreland Protection Act, and Wetlands and Non-site Specific Permit # 1999-344 (the "Permit") issued on November 17, 1999. The Permit authorized the construction of a 6 ft. by 30 ft. piling dock, 3 cu. yds. of dredge, and placement of the dredged stone along 36 linear feet of shoreline.

The inspection revealed that the work done on the Property was not in compliance with the applicable statute and rules, the Permit, or the approved plans by Winnepesaukee Marine Construction Co. as received by DES on March 23, 1999 (the "Plans"). During the inspection and subsequent file review the following deficiencies were documented:

- 1 A deck measuring 5 ft. wide by 16 ft. long covering approximately 80 square feet was installed over the bank 6 ft. from the normal high water line (elevation 504.32 on Lake Winnepesaukee) without a permit from DES.
- 2 A deck measuring 14 ft. wide by 16 ft. long covering approximately 224 square feet was installed over the bank 15 ft. from the normal high water line without a permit from DES.
- 3 The photographs submitted to DES with wetlands permit application 1999-344, received by the Department on March 4, 1999, show a non-impacted shoreline. These photos verify that neither deck was installed prior to March 4, 1999.
- 4 The dock measured approximately 34 ft. long from the normal high water line. The Permit and Plans specify the pier length as 30 ft.

In response, you are requested to take the following actions

Within 30 days please reduce each deck to no more than a 6 ft by 6 ft. landing; or

Within 30 days please relocate each deck to at least 20 feet from the normal high water line and reduce the deck measuring 14 ft. wide by 16 ft. long to no more than 150 square feet.

3. Within 30 days please restore the pier to the dimensions approved by the Permit and Plans. The pier should extend no more than 30 feet lakeward of the normal high water line.
4. Within 40 days please submit a cover letter including the location of the Property and the file number and photographs documenting the reduction of the decks and restoration of the pier to DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted in 1995 to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters. RSA 483-B regulates the construction of accessory structures including decks within the protected shoreland. Pursuant to Administrative Rules Env-Ws 1405.03, Status, and Env-Ws 1405.04, Setback, accessory structures constructed since 1995 shall have a footprint no larger than 150 square feet and shall be set back at least 20 feet from the reference line.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the Department.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Compliance Officer  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 5062

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit ✓  
Wolfeboro Conservation Commission  
Wolfeboro Board of Selectmen  
David Killoy, USACOE  
Winnepesaukee Marine Construction Co.